

**BRIAN ROLLER**

**d/b/a KALOS STREET L.L.C.,**

*Plaintiff,*

v.

**RED PAYMENTS L.L.C. and FIRST DATA  
GLOBAL LEASING,**

*Defendants.*

**AND NOW**, this 12<sup>th</sup> day of August, 2019, upon consideration of “Defendant First Data Global Leasing’s Motion to Transfer Venue or, in the Alternative, Partial Motion to Dismiss” (Doc. No. 19), Defendant Red Payments L.L.C.’s “Motion to Dismiss Pursuant to Federal Rule of Civil Procedure 12(b)(6)” (Doc. No. 20), and Plaintiff’s “Motion for Declaration of Waiver of, and to Strike, Arbitration Defense” (Doc. No. 23), as well as the respective responses and replies thereto, following oral argument, and for the reasons set forth in this Court’s accompanying Memorandum Opinion, it is hereby **ORDERED** that:

- Defendant First Data Global Leasing’s “Motion to Transfer Venue or, in the Alternative, Partial Motion to Dismiss” (Doc. No. 19) is **GRANTED**.
- This matter is to be **TRANSFERRED**, in its entirety, to the United States District Court for the Eastern District of New York.
- Defendant Red Payments L.L.C.’s “Motion to Dismiss Pursuant to Federal Rule of Civil Procedure 12(b)(6)” (Doc. No. 20), and Plaintiff’s “Motion for Declaration of Waiver of,

and to Strike, Arbitration Defense” (Doc. No. 23) are **DENIED WITHOUT PREJUDICE** to refile following transfer of this matter.

**BY THE COURT:**

*/s/ Mitchell S. Goldberg*

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**MITCHELL S. GOLDBERG, J.**